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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,124	09/22/2003	Robert J. Tuttle		5410
7590	03/21/2008		EXAMINER	
Mac-Gray Corporation 404 Wyman Street Waltham, MA 02451			PATEL, RITA RAMESH	
		ART UNIT	PAPER NUMBER	
		1792		
		MAIL DATE	DELIVERY MODE	
		03/21/2008	PAPER	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/665,124

Filing Date: September 22, 2003

Appellant(s): TUTTLE ET AL.

Ralph D. Gelling
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/28/08 appealing from the Office action
mailed 8/2/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

NEW GROUND(S) OF REJECTION

Claims 1, 3-7, 10, 11, 14, 15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn (US Patent No. 3,891,123) and further in view of Hiortdahl (US Patent No. 3,864,616).

Claims 2, 16, 17, 23-27, 29-31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl, further in view of Pittendreigh et al. herein referred to as "Pittendreigh" (US Patent No. 3,192,744).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl as applied to claims above, and further in view of Bruntz et al. herein referred to as "Bruntz" (US Patent No. 5,978,995).

Claims 28 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn, Hiortdahl, Pittendreigh, and Bruntz as applied to claims above.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl as applied to claims above, and further in view of Yamamoto et al. herein referred to as "Yamamoto" (US Patent No. 3,362,515).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3,891,123	Blackburn	06-1975
3,864,616	Hiortdahl	2-1975
5,978,995	Bruntz et al.	11-1999
3,362,515	Yamamoto et al.	1-1968
3,192,744	Pittendreigh et al.	7-1965

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 10, 11, 14, 15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn (US Patent No. 3,891,123) and further in view of Hiortdahl (US Patent No. 3,864,616).

Blackburn discloses a dispensing sequence that is controlled by output signals from programmer 60 to provide plural outputs (col. 2, lines 60-62; col. 3, lines 17-25); and thus providing the apparatus of Blackburn with automatic dispersion of supplies to individual machines at individual times, in operation without dependence on each other

(col. 3, lines 33-48). As seen in Figure 3, programmer 60 enables independent operation of a washing machine according to a desired washing sequence. Blackburn teaches the use of a multiplicity of washing machines 27 in connection with a single programmer 60; a duplication of washing machines is convenient for public use, for use in a washing/dry cleaning business, and in private community washing locations for washing many loads of laundry at one time and being able to monitor them all together. Laundromats are commonly known establishments in the art that provide multiple washing machines connected to a single programming function. By having multiple washing machines, it is increasingly convenient to wash many loads at once.

Blackburn fails to specify a payment processor for the washing units 27 attached in the distribution washing assembly. Hiortdahl, however, teaches a coin-operated control circuit as a central control means for a plurality of washing machines (Abstract; col. 2, lines 52-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the features of Hiortdahl to Blackburn to teach specific payment processing details of washing machine. Such a control system allows for group control of the plurality of washing machines 27. In the art of washing machines Hiortdahl supports that providing a central control console for operating a plurality of machines including a coin slot, coin metering device, a coin-operated switch a coin receptacle, and a power supply are known (col. 2, lines 4-9). A central payment processor is convenient since it allows the user to see what machines have availability, central payment processors also allow removal of coins to be simplified, among other features.

Blackburn further discloses pump 16 for maintaining a liquid level in head tank 19 to thereby control the volume of supply held in the respective dispensing tanks 24, and finally dispense liquids to the individual washing machines, in operation with valve 25 and solenoid 29 (col. 2, lines 43-52). Solenoid sensors 29 and float actuated switch 21 read on components of Appellant's claim for a system of flow sensors for monitoring the flow continuity of said fluid distribution system. The electrically driven pump 16 is actuated by float actuated switch 21 in the head tank 19 (col. 2, lines 24-26); thus switch 21 reads on Appellant's claim for a first sensor in said distribution conduit downstream of said pump. Respective solenoid sensors 29 read on Appellant's claim for a second flow sensor which is connected downstream a valve, specifically valve 25, for generating a second signal indicative of the flow of work therein. Blackburn discloses a set of distribution means, including a pump, a tank, a manifold, and a valve, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate said distribution means for providing multiple means for delivering liquid solutions. It is well known in the art of cleaning for such washing machines that several different solutions such as liquid detergent, bleach, and/or fabric softener may be desirable for distribution into the washing machine at various points during the washing cycle. Therefore, by providing multiple distribution assemblies, multiple solutions may be incorporated into the washing functions to achieve desired cleaning. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960). Duplication of supply pipes would merely satisfy already known delivery functions of the supply

pipes; adding additional supply pipes would allow user a greater number of options for detergent/liquid delivery to the washing machine.

Blackburn and Hiortdahl teach the claimed invention, except fail to teach specific temperature means for monitoring the temperature of the fluid therein the washing machines. However, it is well known in the art of such washing machines to optimize the temperature of the water therein, to optimally achieve best cleaning performances from the detergent and provide adequate and efficient water cleaning temperature depending on the type of load being washing therein, thus enhancing washing means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize and maintain specific temperatures therein since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Claims 2, 16, 17, 23-27, 29-31, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl, further in view of Pittendreigh et al. herein referred to as "Pittendreigh" (US Patent No. 3,192,744).

Blackburn and Hiortdahl teach the claimed washing machine system except fail to discuss an indicator panel located on the washing machines for providing users with information such as how to operate the machine and/or show the user the washing progress and directions, *inter alia*. However Pittendreigh teaches a coin-operated washing machine having a generic indicator panel 62 which includes control switches and indicator lights. This reads on a user interface that prompts users to operate the

Art Unit: 1700

machine by feeding it a payment medium. It is at once envisaged that indicator lights may flash or another equivalent type of indication such as an open coin slot or message on the indicator panel prompts the user to operate the machine correctly. It would have been obvious to one of ordinary skill in the art at the time of the invention to have an indicator panel feature in the Blackburn-Hiortdahl invention to allow the user information on how to operate the machine and know when the washing has completed, what cycle the washing machine is in, etc. since these are known in the art functions of a washing machine.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl as applied to claims above, and further in view of Bruntz et al. herein referred to as "Bruntz" (US Patent No. 5,978,995).

Blackburn and Hiortdahl teach the claimed invention except fail to recite a temperature control system in the washing machine. However, Bruntz teaches a temperature control system for use in washing machine to control the temperature of wash and rinse water therein. The invention includes a temperature selection switch which operates the water valves for controlling the temperature of water entering the washing machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate said feature of Bruntz to Blackburn and Pittendreigh to allow user to select a temperature control and optimize temperature of the liquid washing solution therein to achieve aforementioned desired cleaning means. Different water washing temperatures work better with different cleaning

detergents/bleaches/fabric softeners, and thus it would be beneficial to optimize water temperature to achieve the most efficient cleaning.

Claims 28 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn, Hiortdahl, Pittendreigh, and Bruntz as applied to claims above.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn and Hiortdahl as applied to claims above, and further in view of Yamamoto et al. herein referred to as "Yamamoto" (US Patent No. 3,362,515).

Blackburn and Hiortdahl teach the claimed invention, except fail to stately disclose means for the payment processor to accept a stored-value payment card as payment. Instead the Blackburn-Hiortdahl invention discloses means to accept coins for payment. However, one skilled in the art at the time of the invention may readily envisage card payment means because it may be faster, more convenient and less complicated than requiring the user to obtain coins for operation. Card means are a known equivalence in the art of providing the dame operational results for the user, but with aforementioned user benefits. It would be obvious to one of ordinary skill in the art at the time of the invention to use substitution of known equivalent structures. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958). Moreover, Yamamoto teaches a card controlled apparatus for an apparatus wherein various kinds of services are rendered, such as washing or drying clothes (col. 1, lines 45-46). Such

a card controlled feature may readily be incorporated into that of Blackburn and Hiortdahl for achieving said expected results.

(10) Response to Argument

Appellant's arguments filed in the Appeal Brief (12/28/07) are drawn to the former rejection, Appellant contests the combination of the Pittendreigh reference but this reference is no longer being relied on.

First, Appellant argues that the Blackburn reference fails to teach a payment controller for providing a payment system. This is correct, Blackburn alone does not teach this feature of a payment system, that is why the 35 USC 103 rejection of Blackburn further in view of Hiortdahl is relied upon to make obvious the use of a payment controller for a washing machine system. Hiortdahl teaches a payment processor for use with a multiplicity of washing machines controlled by a single controller.

Secondly Appellant argues that Blackburn fails to teach a dispensing controller for centralized control of a detergent and fluid dispenser system. However Blackburn teaches a centralized controller 60 for performing said functions. As seen in Figure 3 of Blackburn, a single controller 60 is shown coupled to multiple washing machines 27. Appellant argues that a single programmer 40 or 60 is associated with each washer unit 27, but this is incorrect as seen in the illustrations of Blackburn.

Appellant submits there is no indication that the disclosure of Pittendreigh provides suggestion of a payment processor that performs a payment transaction and

generates an output usable by a system. The Pittendreigh reference is no longer relied upon to teach this feature; however, it is taught that Hiortdahl reference supports providing a central control console for operating a plurality of machines. The payment processor and central control console of Hiortdahl work together.

It is contested that the Pittendreigh reference taught merely coin operation for a singular washing machine, and thus Blackburn further in view of Pittendreigh would not teach a centralized coin operation payment system but instead individual coin operation systems. However, the Pittendreigh reference is no longer relied upon make obvious coin operation in Blackburn; under the new grounds of rejection of Blackburn further in view of the Hiortdahl reference, Hiortdahl clearly teaches the use of a centralized coin controller and thus in combination with Blackburn, this teaches a combined dispenser controller and coin payment system for a washing machine. After the coin payment has been received the washing machine may begin its washing and rinsing functions accordingly.

Appellant further argues that there is a difference between a conduit and a manifold, more specifically that a conduit does not necessarily teach a manifold. Examiner concedes to this point, however according to Blackburn, the fluid supply lines are connected to one another in a way that a main pipe is connected to several lateral outlet pipes which eventually connect to the washing machines 27. The conduits of Blackburn form a manifold system since they are connected to one another in a delivery system that reads on a manifold distribution. Appellant additionally contests that the conduits of Blackburn may not read on a manifold because the conduits lack pressure

and are open to ambient conditions since there is a valve connected to the conduits. However, this is untrue, although the conduits of Blackburn are connected to an atmospheric release valve that can be open or closed, when closed there is pressure formed within the conduits and thus the conduits allow pressurized fluid flow through the manifold to each washing machine. Just because the atmospheric valve may be open or close, does not designate that is it always open and there is no pressure in the conduits. Release valves are often used when pressure build-up is excessive and potentially dangerous, or during maintenance of these conduits; the release valve of Blackburn is not always open.

Finally, Appellant argues that the Bruntz and Yamamoto references fail to teach the deficiencies of Blackburn further in view of Pittendreigh. However, these arguments are moot in consideration of the new grounds of rejection of Blackburn further in view of Hiortdahl.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/Rita R. Patel/

Examiner, Art Unit 1792

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/Gregory L Mills/

Supervisory Patent Examiner, Art Unit 1700

Director's designee for new grounds of rejection

Conferees:

Michael Barr

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792

Gregory Mills

/Gregory L Mills/

Supervisory Patent Examiner, Art Unit 1700